

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA)	
)	
v.)	
)	Criminal No.21-CR-10350-LTS
(1) HARRY TAM, a/k/a "Legendary H")	
a/k/a "HK", a/k/a Harry Kiahhi TAM,)	
)	
Defendant.)	

DECLARATION OF MERRI L. HANKINS

1. I, Merri L. Hankins, hereby declare that I am the Acting Forfeiture Counsel of the Drug Enforcement Administration (DEA), United States Department of Justice, and in that capacity supervise forfeiture activities within the DEA.

2. I affirm that, in the course of my official duties as Acting Forfeiture Counsel of the DEA, I supervise and monitor the forfeiture activities of DEA field offices and receive reports and inquiries from those field offices regarding all facets of forfeiture matters.

3. I declare that material related to the property, which is the subject matter of a letter (non-motion) filed in the above-captioned action, is contained in one (1) file of my office.

4. The file captioned as Asset Identification No. **21-DEA-677948** contains the following information:

(a) Asset ID Number **21-DEA-677948** represents \$95,450.00 U.S. Currency seized from the residence located at 23 Mansfield Street, Apartment #2, Allston, Massachusetts, on May 3, 2021, by DEA. The DEA field office in Boston, Massachusetts, subsequently prepared and submitted a forfeiture report to this office. An attorney or paralegal reviewed this report to determine if the DEA field office provided adequate information to support administrative forfeiture proceedings against the property. This process included a legal review of the evidence that existed to seize the \$95,450.00 U.S. Currency. Based on this thorough review, the DEA accepted this case for administrative forfeiture.

(b) On June 30, 2021, pursuant to 19 United States Code (U.S.C.) § 1607(a) and 18 U.S.C. § 983(a), the DEA sent written notice of this seizure by certified mail, return receipt requested, to Harry Tam, 120 Boylston Street, Brookline, MA 20445-7652 (Exhibit 1). On August 6, 2021, the letter was

returned to DEA labeled "RETURN TO SENDER, ATTEMPTED NOT KNOWN, UNABLE TO FORWARD" (Exhibit 2).

(c) On June 30, 2021, pursuant to 19 United States Code (U.S.C.) § 1607(a) and 18 U.S.C. § 983(a), the DEA sent written notice of this seizure by certified mail, return receipt requested, to Harry Tam, 23 Mansfield Street, Apartment #2, Allston, MA 02134-1406 (Exhibit 3). Due to receiving back an unsigned and undated return receipt, a check was performed using USPS.com, which stated the item was delivered, left with individual, on July 6, 2021 (Exhibit 4).

(d) On June 30, 2021, pursuant to 19 United States Code (U.S.C.) § 1607(a) and 18 U.S.C. § 983(a), the DEA sent written notice of this seizure by certified mail, return receipt requested, to Harry Tam, 498 Flagg Avenue, San Jose, CA 95128-2108 (Exhibit 5). Due to not receiving back the return receipt, a check was performed using USPS.com, which stated the item was "awaiting delivery scan", and therefore, delivery is undetermined (Exhibit 6).

(e) On June 30, 2021, pursuant to 19 United States Code (U.S.C.) § 1607(a) and 18 U.S.C. § 983(a), the DEA sent written notice of this seizure by certified mail, return receipt requested, to Jade Chin, 23 Mansfield Street, Apartment #2, Allston, MA 02134-1406 (Exhibit 7). Due to receiving back an unsigned and undated return receipt, a check was performed using

USPS.com, which stated the item was delivered, left with individual, on July 6, 2021 (Exhibit 8).

(f) Pursuant to the Consolidation of Seizure and Forfeiture Regulations, 28 C.F.R. § 8.9(a), the DEA posted notice of the seizure of the property on Forfeiture.gov, an official internet government forfeiture website, for a period of 30 consecutive days beginning on July 12, 2021, and ending on August 10, 2021 (Exhibit 9). The internet posting and mailed notices explained the option of filing a claim with the DEA Forfeiture Counsel in order to contest the forfeiture action in United States District Court. Pursuant to 18 U.S.C. § 983(a), the mailed notices stated that the deadline to file a claim was August 4, 2021. If the mailed notice was not received, the internet posting stated that the deadline to file a claim was September 10, 2021. In addition, the internet posting and mailed notices explained the option of filing a petition for remission or mitigation of forfeiture.

(g) On July 5, 2022, after locating an attorney for Harry Tam, pursuant to 19 United States Code (U.S.C.) § 1607(a) and 18 U.S.C. § 983(a), the DEA sent written notice of this seizure by certified mail, return receipt requested (Exhibit 10), and by first class mail (Exhibit 11), to Harry Tam, c/o Christopher L. Malcolm/Esq., Law Offices of C.L. Malcolm, 15 Court Square, Suite 1150, Boston, MA 02108-2526. This notice

provided Harry Tam until August 9, 2022, to file a claim. On July 18, 2022, the first class mail notice was returned to DEA labeled "RETURN TO SENDER, VACANT, UNABLE TO FORWARD" (Exhibit 12). On July 25, 2022, the certified mail notice was returned to the DEA labeled "RETURN TO SENDER, ATTEMPTED NOT KNOWN" (Exhibit 13).

(h) On July 5, 2022, after locating an attorney for Harry Tam, pursuant to 19 United States Code (U.S.C.) § 1607(a) and 18 U.S.C. § 983(a), the DEA sent written notice of this seizure by certified mail, return receipt requested (Exhibit 14), and by first class mail (Exhibit 15), to Harry Tam, c/o Thomas J. Iovieno/Esq., 345 Neponset Street, Canton, MA 02021-1940. This notice provided Harry Tam until August 9, 2022, to file a claim. Due to not receiving back the return receipt, a check was performed using USPS.com, which stated, "arrange for redelivery of your item or your item will be returned to sender" (Exhibit 16). The notice sent by first class mail was not returned to the DEA.

(i) On July 5, 2022, after locating an additional address, pursuant to 19 United States Code (U.S.C.) § 1607(a) and 18 U.S.C. § 983(a), the DEA sent written notice of this seizure by certified mail, return receipt requested, to Harry Tam, Prisoner ID No. 7850509, Donald W. Wyatt Detention Facility, 950 High Street, Central Falls, RI 02863-1506 (Exhibit

17). This notice provided Harry Tam until August 9, 2022, to file a claim. An individual signing in the "Signature" block accepted delivery of this notice (Exhibit 18).

(j) On August 8, 2022, the DEA received a petition for remission or mitigation of forfeiture from Jade Chin (Exhibit 19).

(k) On August 9, 2022, the DEA received a claim from Jade Chin (Exhibit 20).

(l) On August 24, 2022, the DEA sent a letter by certified mail, return receipt requested, to Jade Chin, 23 Mansfield Street, Boston, MA 02134, stating that the claim is being returned because it was received after the deadline of August 4, 2022 [sic] (Exhibit 21). See supra Exhibit 7 (claim deadline was August 4, 2021). An individual signing in the "Signature" block accepted delivery of this notice (Exhibit 22).

(m) On September 12, 2022, the DEA received written correspondence from Jade Chin in response to the returned claim letter (Exhibit 23).

(n) On September 13, 2022, the DEA sent an acknowledgement letter by certified mail, return receipt requested, to Jade Chin, 23 Mansfield Street, Allston, MA 02134, stating that the petition was accepted (Exhibit 24). Due to receiving an unsigned and undated return receipt, a check was

performed using USPS.com, which stated the item was delivered, left with individual, on September 19, 2022 (Exhibit 25).

(o) On September 29, 2022, the DEA sent a letter by certified mail, return receipt requested, to Jade Chin, 23 Mansfield Street, Allston, Massachusetts 02134, again stating that the claim was returned because it was received after the claimant's specific deadline of August 4, 2022 [sic] (Exhibit 26). See supra Exhibit 7 (claim deadline was August 4, 2021). Due to not receiving back the return receipt, a check was performed using USPS.com, which stated the item was delivered, left with individual, on October 1, 2022 (Exhibit 27).

(p) On October 17, 2022, the DEA received written correspondence from Jade Chin in response to the second late claim letter (Exhibit 28).

(q) On December 5, 2022, after there had not been any properly executed claim received, and after the time limit for filing said claim expired, the DEA forfeited the \$95,450.00 U.S. Currency to the United States pursuant to 19 U.S.C. § 1609 (Exhibit 29).

(r) On February 1, 2023, the DEA denied the petition. The DEA acknowledged the date error in both claim return letters as the date should have been August 4, 2021, instead of August 4, 2022. A letter, sent by certified mail, return receipt requested, notified Jade Chin of this decision and the option to

file a request for reconsideration pursuant to 28 C.F.R. § 9.4(k) (Exhibit 30). On March 1, 2023, an individual signed the "Signature" block to accept delivery of this letter (Exhibit 31).

(s) On March 17, 2023, the DEA received a request to reconsider the decision to deny the petition for remission or mitigation of forfeiture from Harry Tam. (Exhibit 32).

(t) On March 22, 2023, the DEA sent a letter by certified mail, return receipt requested, to Harry Tam, 23 Mansfield Street, Boston, MA 02134-1406, stating that the request to reconsider the decision to deny the petition for remission or mitigation of forfeiture will not be considered (Exhibit 33). The letter informed Harry Tam that he would not be able to seek reconsideration since he was not considered a petitioner. Due to receiving an unsigned and undated return receipt, a check was performed using USPS.com, which stated the item was delivered, left with individual, on April 14, 2023 (Exhibit 34).

(u) On April 27, 2023, the DEA received a request to reconsider the decision to deny the petition for remission or mitigation of forfeiture from Jade Chin (Exhibit 35).

(v) On July 20, 2023, the DEA denied the request to reconsider the petition for remission or mitigation of forfeiture from Jade Chin (Exhibit 36). Due to receiving an unsigned and undated return receipt, a check was performed using USPS.com, which stated the item was delivered, left with individual, on August 8, 2023 (Exhibit 37).

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 26th day of June 2024.



Merri L. Hankins
Acting Forfeiture Counsel
Asset Forfeiture Section
Drug Enforcement Administration
8701 Morrisette Drive
Springfield, VA 22152

Attachments: Exhibits 1-37